

FILED

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U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY: Cs

Name: Bukeka Chandler McClary

Address: 21411 Plane Tree Ln. #205

Santa Clarita, CA. 91321

Phone: 310-905-2384

Plaintiff In Pro Per

CV18-10001-JAK(JPRx)

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Bukeka Chandler McClary

PLAINTIFF,

vs.

UCLA Health, University of California,  
Los Angeles, UC Regents, Farah Elahi,  
Samantha Cao, Lillian Martinez,  
Taisha Booker, + Lateia Clark

DEFENDANT(S).

Case No.:

(To be supplied by the Clerk)

COMPLAINT FOR:

Civil action under Title VII of  
the Civil Rights Act of 1964,  
as amended, 42 U.S.C. 2000e,  
et seq.

Jury Trial Demanded

### I. JURISDICTION

1. This Court has jurisdiction under Federal question jurisdiction  
arises pursuant to 42 U.S.C. 2000e, et seq.

**II. VENUE**

2. Venue is proper pursuant to 28 U.S.C. 1391

**III. PARTIES**

3. Plaintiff's name is Burkea Chandler McCrary. Plaintiff resides  
at: 21411 Plane Tree Ln. #205  
Santa Clarita, CA. 91321

4. Defendant UCLA Health, employer  
This defendant is being sued in its official capacity

5. Defendant University of California, Los Angeles; employer  
(parent organization)  
This defendant is being sued in its official capacity

1. Defendant UC Regents, Board of Directors

Insert ¶ #

This defendant is being sued in their official capacity

8. Defendant Farah Elahi, Chief of Operations

Insert ¶ #

This defendant is being sued in her official capacity

15. Defendant Sumantha Cao, Supervisor

Insert ¶ #

This defendant is being sued in her individual and official capacity

22. Defendant Lillian Martinez, Direct of Faculty Practice Group

Insert ¶ #

This defendant is being sued in her individual and official capacity

1. Defendant Taisha Booker

Insert ¶ #

Individually and as HR Director of the  
Faculty Practice Group  
This defendant is sued in her individual and official  
capacity.

8. Defendant Lateia Clark

Insert ¶ #

Individually and as the Project Manager  
within the Faculty Practice Group  
This defendant is sued in her individual and official  
capacity.

15. Defendant \_\_\_\_\_

Insert ¶ #

22. Defendant \_\_\_\_\_

Insert ¶ #

#### IV. STATEMENT OF FACTS

1  
2  
3  
4 <sup>Insert ¶ #</sup> Bukoka Chandler-McCrory is currently employed as an Admin-  
5 istrative Specialist at UCLA Health. She has been in this position for  
6 almost 5 years, however, she has been employed at UCLA Health for 6  
7 years. She has a M.S. degree in Administration and a B.S. degree in  
8 Marketing. She is a published author and has a strong background in  
9 management, sales, administration and customer service. She volun-  
10 teers for a nonprofit that has professional military veterans who serve  
11 youth through a successful after school program that creates young  
12 leaders.

13 <sup>Insert ¶ #</sup> Bukoka made the conscious decision to accept  
14 a lower position to get hired on at UCLA Health to gain  
15 experience in the health care field. Her plan was to get her  
16 "feet wet" at the grass roots level and worked her way up, as  
17 this was never a problem for her. At this point of her career,  
18 she had never experienced challenges in advancing, had never  
19 been written up, or had ever had a need to review her personnel  
20 file. This all changed when she joined Samantha Cao's Team in March  
21 2014.

22 <sup>Insert ¶ #</sup> Despite a few bullying incidents and bouts of humiliation in  
23 front of team members, the incident that triggered Bukoka to stand up  
24 for herself, occurred on 9/30/16. Samantha (Supervisor) was aware of a  
25 worker's comp Bukoka filed related to a rash she developed on the job.  
26 Per the referred physician, she needed to find a temporary workspace so that the  
27 carpet could be sprayed. Samantha recommended she share Latia's office,  
28 which was most accommodating and suggested Bukoka ask Latia to  
share her workspace.

1  
2 Bukerka made the ask via email and Lateia denied  
3 her request and shared details of her worker's comp claim in  
4 the email. Bukerka was shocked because she had never shared  
5 any details about her worker's comp claim with Lateia. After  
6 discussing this matter with Samantha and expressing concern about  
7 Lateia's response in the email, Bukerka was written up by Samantha on  
8 10/4/16 and was told several times how unprofessional she was in the  
9 email and how professional Lateia was in her response. She felt  
10 she was being retaliated against.

11 When Bukerka questioned Lateia's professionalism, Samantha  
12 made it clear that Lateia's supervisor, Lillian Martinez (the Director  
13 of the Faculty Practice Group at the time) would be responsible for  
14 addressing Lateia regarding this matter. Bukerka felt Lateia would  
15 never be held accountable for her actions because she and Lillian  
16 are like best friends. When Bukerka reviewed the incident with  
17 Taisha Booker, the HR Director, she did not offer any recourse. Bukerka  
18 asked her not to share what was discussed as she was not sure what  
19 she was going to do.

20 That same day after speaking with Taisha, Bukerka noticed  
21 a change in Samantha, Lateia and Lillian's behavior towards her.  
22 She noticed a change in other people's behavior towards her  
23 as well, particularly those whom Lateia and Lillian  
24 communicated with. They used to speak and stopped speaking  
25 to her.  
26  
27  
28

1  
2 <sup>Insert ¶ #</sup> Later in October 2016, Bukoka and all the employees  
3 were encouraged to complete an Employee Engagement Survey  
4 which was supposed to be anonymous. It was at this time Bukoka  
5 shared her experience with bullying. She discovered there were  
6 several others who shared their experience with bullying on the  
7 survey. However, when the results came back, Lillian and Samantha  
8 said that the results were so bad that Farah Elahi, the Chief of  
9 Operations, did not want to share them. So, UCLA Health refused  
10 to address the issue of bullying in the work place.

11 <sup>Insert ¶ #</sup> Bukoka sent Taisha Booker an email on 12/20/16  
12 requesting to see her personnel file. She met Taisha in the  
13 morning on 1/1/17 at a location where personnel files are not  
14 housed. It was at this time Bukoka discovered she had been  
15 written up by Samantha. The Letter of Intent was dated 10/20/14.  
16 She was never made aware of this write up, there were no  
17 verbal warning, no counseling, and no signatures. She also found  
18 her job description with someone else's signature on it and  
19 someone else's information in her personnel file.

20 <sup>Insert ¶ #</sup> Taisha immediately removed the other person's information  
21 from the file and told Bukoka that because it has been over 2 years  
22 she can remove the letter of intent. Bukoka expressed how this  
23 written warning has negatively impacted her career and that  
24 she hasn't been able to <sup>get</sup> an interview for years. Bukoka applied  
25 to 15 jobs that she was more than qualified for and was not  
26 able to land an interview. She discovered that Lillian, Latia  
27 and Taisha are friends and hang out together outside of work.  
28

## V. CAUSES OF ACTION

### FIRST CAUSE OF ACTION

(Retaliated against for contacting HR \_\_\_\_\_)  
insert title of cause of action

(As against Defendant(s): Samantha Cao, Lillian Martinez, Taisha Booker, Lateia Clark, UC Regents, Farah Elahi, UCLA Health, Univ. of Cali, LA.)

Insert ¶ # When Bukerka met with Samantha on 4/11/17 for her performance evaluation, she shared with her what she found in her personnel file. Samantha agreed to investigate the matter further and to follow up with her to discuss her findings. When they met again on 4/18/17, Samantha spoke untruths, had a very condescending tone and was impatient when asked questions.

Insert ¶ # Samantha's response during this meeting is what triggered Bukerka to file her first grievance. But before she did, she did her research and discovered several UCLA Health policies and procedures that were improperly applied by Samantha, Lillian, Taisha and Lateia Clark.

Insert ¶ # Bukerka submitted her first grievance on 5/15/17 to UCLA Health's Labor Relations and UC Regents. The 24 page document thoroughly addressed UCLA Health's provisions of PPSM 62, 79, 80, 81 and Disruptive Behavior Among Employees, HS 7313 that were improperly applied. It also included a request for a fair non-bias hearing to discuss these violations, the errors found in her personnel file and how they have negatively affected her career within UCLA Health.



## SECOND CAUSE OF ACTION

(Retaliated against for submitting 1<sup>st</sup> grievance.)  
insert title of cause of action

(As against Defendant(s): Samantha Cao, Lillian Martinez, Farah Elahi,  
 Taisha Booker, UC Regents, UCLA Health, University of California, LA)

Insert ¶ #: On June 29, 2017, Bukoka received an email from Samantha announcing her merit increase based on her performance evaluation. She received a 2% increase, which was approved by Lillian (her supervisor) and Taisha (HR Director).

Insert ¶ #: In previous years, Bukoka's merit increase has been 3% based on the same performance evaluation rating. For this reason, she believed she was being retaliated against for filing her 1<sup>st</sup> grievance. She submitted a 2<sup>nd</sup> grievance regarding her 2% merit increase on 7/12/17 to Labor Relations & UC Regents.

Insert ¶ #: Samantha Cao announced her promotion on 7/11/17 from manager to Director of Integration and Adoption. Bukoka was shocked because in her eyes it looked like UCLA Health promoted the "bully" without acknowledging her cry for help and giving her a fair hearing.

**THIRD CAUSE OF ACTION**

(Retaliated/ Discriminated against for filing 2nd grievance )  
insert title of cause of action

(As against Defendant(s): Samantha Cao, Lillian Martinez, Tarsha Booker,  
 Fara Elahi, UC Regents, UCLA Health & University of CA, LA. )

Insert ¶ # On 8/23/17, Bukoka received an email from Samantha stating that she has a revised performance evaluation rating for Bukoka to sign. She presented the revised version on 8/24/18 showing a revised rating of "Meets Expectation" instead of the original rating of "Meets Expectation," which she received 4 months prior. Bukoka refused to sign it.

Insert ¶ # On 7/25/17, Samantha announced the promotion of Grace Lee, teammate, from an Analyst position to a Program Manager position. This position was never posted for others to apply. This was the 2nd time Grace Lee was "given" a promotion by Samantha without posting the position. Samantha and Grace are of Asian descent. Everyone else on Samantha's team were African American.

Insert ¶ # Grace Lee was given the Program Manager position without having any management experience. Bukoka was a Program Manager for 5 years in her job prior to joining UCLA Health. This triggered her filing a 3rd grievance on 8/24/17.

**FOURTH CAUSE OF ACTION**

Retaliation for submitting a 3<sup>rd</sup> grievance & filing with EEOC.  
insert title of cause of action

(As against Defendant(s): Samantha Cao, Lillian Martinez, Taisha Boker, Farah Elahi, UC Regents, UCLA Health, Univ. of CA, LA.)

Bukera filed EEOC Charge 480-2017-0296 on 10/3/17  
Insert ¶ #

She received an award incentive of \$500 on 10/27/17 instead of the \$1000 incentive award she has received in past years. UCLA Health denied the EEOC's request for mediation in November 2017. Bukera received a letter from UCLA Health indicating she's eligible for a hearing and that they will attempt to schedule it within 180 days. The letter was dated 1/9/18.

Bukera never received a hearing. On 1/26/18, UCLA Health  
Insert ¶ #

Submitted a position statement to the EEOC requesting to dismiss Bukera's charge because "it has no merit." But yet, per the EEOC, UCLA Health was willing to accept a settlement proposal. Bukera submitted a proposal for \$574,032 on 7/6/18.

Per the EEOC, Bukera's proposal was denied and UCLA Health  
Insert ¶ #

was not willing to negotiate. The EEOC closed the case and forwarded it to the DOJ to issue a Right to Sue letter, which Bukera received dated 8/31/18. Bukera continues to be retaliated against, feels black listed, and has been working two jobs since October 1, 2018 as a result of her teammate quitting. It is now 11/27/18.

## VI. REQUEST FOR RELIEF

WHEREFORE, the Plaintiff requests:

Insert ¶ # An award of damages in an amount to be determined at trial, including compensatory damages, punitive damages, emotional pain and suffering and what ~~Burke~~ would receive by the age of retirement to resign as she is still being retaliated and discriminated against as of 11/28/18. She believes her career is over at UCLA Health.

Insert ¶ # A formal apology from each individual defendant, particularly Sumantha Cao, Lillim Martinez, Taisha Boker and Luteia Clark and ensure that UCLA Health have each person receive proper training (more hours) to avoid further bullying, harassment, discrimination and retaliation in the workplaces.

Insert ¶ # A formal apology from UCLA Health and ensure a plan of action is put in place to address all complaints/grievances in a timely manner and that they adhere to all of their own policies & procedures as it relates to perpetrators of bullying, retaliation and discrimination.

Insert ¶ # To exonerate plaintiff of all court fees and have them covered by UCLA Health as this issue could have been resolved a long time ago had they attempted to resolve her grievances.

**VII. DEMAND FOR JURY TRIAL**

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

Dated: 11/28/18

Sign: Buceka C. McCrary

Print Name: Buceka C. McCrary

Plaintiff in pro per